

EXAMINATION INTO EAST CAMBRIDGESHIRE'S LOCAL PLAN

MATTER 14: PROPOSED SITE ALLOCATIONS – MAIN SETTLEMENTS

PERSIMMON HOMES EAST MIDLANDS REPRESENTATION

AUGUST 2018

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Matter 14: Proposed Site Allocations – Main Settlements

Issue 1: Whether the proposed site allocations for the Main Settlements of the City of Ely, Littleport and Soham are justified, effective and consistent with national policy?

This response relates specifically to Site SOH.H10, Land off Kingfisher Drive, Soham.

Summary of Statement

1. In principle Persimmon Homes East Midlands (PHEM) supports the identification of SOH.H10.
2. PHEM does, however, have a number of objections to the allocation which make it unsound as currently drafted.
3. The allocation is unsound for the following reasons.
 - The Policy requires access only from Kingfisher Drive. This is not justified by evidence and is unsound. **The reference in Policy SOH.H10 to the allocation only being accessible from Kingfisher Drive should be deleted.** This is addressed in Inspector’s question l) below;
 - The boundary of the allocation is not defined based upon evidence, and as such is unjustified. The boundary proposed in the Submission version of the Plan is different to the boundary that appeared in the previous consultation draft Plan (*‘Further Draft Local Plan’ [CD03B – Insert 35]*). The boundary of which was sound. The boundary included in the Submission Plan has been reduced without justification or evidence. **It should be amended back to accord with the Proposals Map of the previous version of the Plan [CD03B – Insert 35]**). This is addressed in Inspector’s question n) below;
 - The Quantum of development included within Policy SOH.H10 is set at a *‘maximum’* of 100 dwellings without evidence justifying why. **The reference to a maximum figure is not justified, and should be deleted.** This is addressed in Inspector’s question o) below; and
 - The capacity of the site, in accordance with the above **should be modified to 175 dwellings** consistent with evidence. This is addressed in Inspector’s question o) below.

4. PHEM sets out below how the above matters of unsoundness can be addressed through the examination process by way of modification to Policy SOH.H10, that make the allocation and policy sound.
5. On the basis of the above, and acknowledging that it is the role of the local planning authority to justify the selection and allocation of sites, PHEM has responded specifically to the Inspector's questions in respect of:
 - the matters where it is of the opinion that the allocation is unsound in the wording of the policy, and boundary extents;
 - providing evidence to demonstrate the sites deliverability on the basis that the soundness issues are addressed.

PHEM's response to the Inspector's Questions

e) What is the current planning status of the site in terms of planning applications, planning permission and completions/construction?

6. For the Inspector's information, a pre-application was been submitted by PHEM for this site in August 2018 for up to 175 dwellings. This included the allocated land and the wider area beyond the current allocation boundary consistent with the area being promoted by PHEM at this examination.
7. The boundary of the site for pre-application is consistent with the boundary of the previous version of the Plan [**CDO3B - Inset Map35**]. A copy of the extent of the pre-application submission is set out in Appendix A, along with the Draft Masterplan in Appendix B.

f) What are the benefits that the proposed development would bring?

8. The site would deliver up to 175 homes in Soham at a policy compliant level of affordable housing.
9. As well as the traditional benefits associated with providing new homes for the local housing market and economy, the proposal has the potential to provide an additional 75 dwellings over the current allocation figure. This will contribute significantly to meeting the additional housing needs of the authority required to be found by the Inspector through the Stage 1 hearings, thus reducing the need to identify further sites.

g) How does the site relate to nearby uses?

10. The allocation is used for arable farmland and in broad terms is contained by existing development. Notably, to the north west of the site is the existing Anglian Water Recycling Centre.

11. Given its proximity to the allocation and in association with Anglian Water, PHEM commissioned an Odour Assessment in 2017 to establish both whether the Water Recycling Centre was a constraint to residential development on the site, and as to whether the residential development would compromise Anglian Water's operations.
12. The evidence has demonstrated that the future residents of the allocation will not be exposed to odour levels that compromise their amenity or cause any nuisance, and neither would the development compromise the operation of the water company. Anglian Water is in agreement with this position, please see correspondence from Anglian Water at Appendix D.
13. Further evidence on this matter is provided in responses to question n below.

h) What are the potential adverse impacts of developing the site, including to heritage assets? How could they be mitigated?

14. There are no adverse impacts to developing the site, as the boundary of the current allocation is drawn, nor are there any adverse impacts associated with the wider boundary proposal as presented by PHEM.

i) How is the site affected by flood risk? How has this been taken into account in allocating the site? How have the sequential and, if necessary, exceptions test applied?

15. The site is not located in an area at risk of flooding. A detailed Flood Risk Assessment is currently being prepared to accompany the planning application.

j) What are the infrastructure requirements / costs and are there physical or other constraints to development? How would these be addressed and are they directly related to, necessary and fairly and reasonably related in scale to the kind of development?

16. There is no significant infrastructure costs associated with the site that cannot be delivered as part of a policy compliant planning application.
17. A Traffic Assessment (TA) has been submitted with the pre-application which demonstrates that the site is a sustainable location within walking distance to the nearby Primary School, local bus stops, convenience store/post office and further amenities within the town centre. The Masterplan (Appendix B) demonstrates a pedestrian and cycle linkage through to the existing public right of way to the east of the site to provide permeability.
18. The TA sets out that based upon trip generation data for the proposed development (the principles of which have been agreed with Cambridge County Council) the overall impact on the local highway network will not be material. No specific off-site highway works are required as part of the proposals.

k) In particular is there an issue with waste water treatment capacity and how would any issues be resolved?

19. There are no issues with water treatment capacity for the proposal.

l) Is the site realistically viable and deliverable?

20. In principle, the site is viable and deliverable, subject to modification where the allocation is currently unsound.

Deliverability unsoundness

21. The element of the policy that is unsound in respect to deliverability is the reference in the Policy SOH.H10 for the site to be accessed only from Kingfisher Drive [**CD05A, Table Soham3: Allocation Sites, Page 140**]. This is not deliverable and therefore the policy as written is unsound.

Context

22. Policy SOH.H10 requires access to the allocation to be provided via Kingfisher Drive only. While the allocation is adjacent to Kingfisher Drive and this looks feasible in the first instance, PHEM does not control the parcels of land that directly abut Kingfisher Drive. **Appendix C** illustrates the land controlled by PHEM and that not controlled by PHEM.

23. The land between Kingfisher Drive and that controlled by PHEM is in the ownership of a number of land owners, thus the policy as written requires an access to be provided across land ownerships that are not controlled for the delivery of the allocation. As such, the allocation is undeliverable.

24. Consistent with the draft policy, PHEM has investigated the potential to secure land interests to form an access onto Kingfisher Drive, but this cannot be achieved and it has advised the Council accordingly.

25. While it has investigated the potential of securing access from Kingfisher Drive, PHEM has promoted the site on the basis that access can be provided directly from Broad Piece to the west (as illustrated in **Appendix C**) all within land under the control of PHEM. This enables a direct access to be provided to the site that is safe and effective negating the need for access to be provided onto Kingfisher Drive directly.

26. The Council has been made of this position over the access by PHEM, including the submission of duly made representations to the Plan to have the wording of the policy removed so that access is secured to Broad Piece. It has also demonstrated how alternative access arrangements can be provided satisfactorily.

Conclusion

27. There is no requirement or evidence to demonstrate that access is required to only be taken from Kingfisher Drive, and that alternative means of access cannot be provided, as PHEM has advocated to the Council.

Proposed Modification to make the allocation sound:

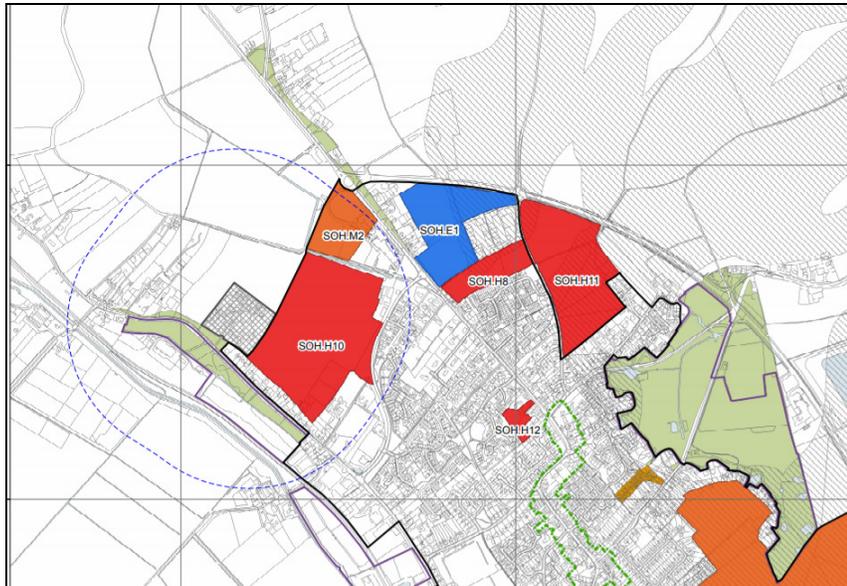
This policy needs modification so that the reference to 'Access only onto Kingfisher Drive is deleted. If the Council requires certainty over the access arrangements, then the policy should be amended to refer to Broad Piece.

m) What is the expected timescale and rate of development and is this realistic

28. PHEM have already undertaken all the necessary survey work to support an outline planning submission for 175 dwellings and these have been submitted to the council as part of a request for pre-application advice. PHEM are in a position to submit an outline planning application now and would reasonably expect it to take a year to obtain outline and reserved matters consent. On this basis, PHEM could commence works on site in a years time and based upon sales experience elsewhere within Cambridgeshire could reasonably expect to sell 50 dwellings a year, thus, PHEM would be in a position to deliver 175 dwellings within the next 5 years.

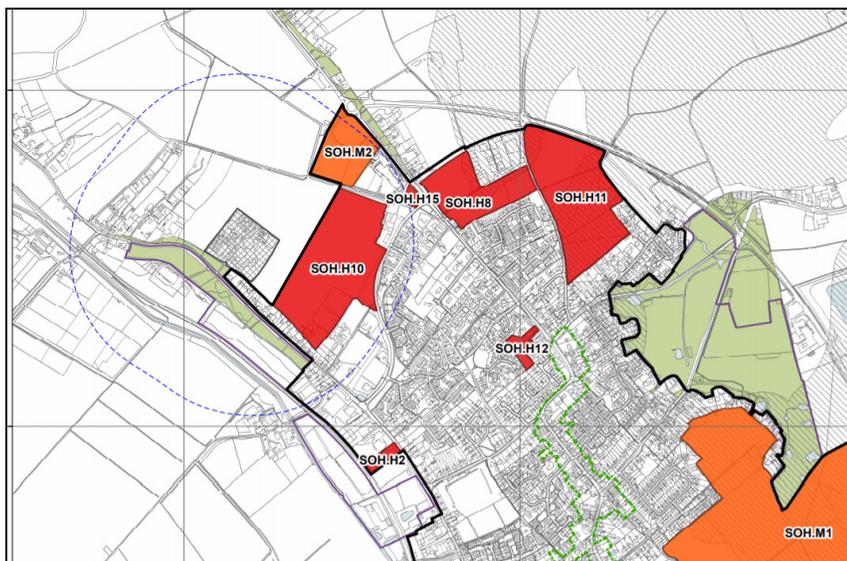
n) is the boundary of the site appropriate? Is there any justification for amending the boundary?

- 29 PHEM supports the general extents of the allocation; however, its western boundary is not appropriate and unsoundly defined. Its current definition is not based upon evidence and there is good justification for amending it.
30. The site was originally identified in the 'Further Draft Plan 2017' [CD03A] and a boundary defined on the accompanying Policy Map [CD03B - Insert 35] (extract overleaf). This identified the entire field and area promoted by PHEM for allocation.



Extract from Further Draft Plan 2017 Inset Map 35 – Soham

31. The Submission Plan, however, pulled the boundary of the allocation back as set out in the submission Proposals Map [CD05B – Insert 34] (extract below).



Extract from Submission Draft Plan 2017 Inset Map 34 – Soham

32. The Council's evidence base explains the rationale for the reduced boundary within its 'Site Assessment Document' [PE13] as:

“The site offers an accessible site which is available for development. This submission provides an amended boundary of Site/23/01 to omit the area potentially affected by odour from the water recycling centre, and to enable suitable vehicular access”.

33. In moving from the Further Draft Plan (2017) to the Submission version of the Plan, the boundary amendment is therefore associated with the Council's opinions on an area 'potentially' affected by odour from the Water Recycling Centre;

Omission of an area 'potentially' affected by odour from the Water Recycling centre

34. The Council indicates that the boundary has been pulled back as a result of an area '*potentially*' affected by odour from the Water Recycling Centre. It has though presented no evidence to demonstrate what area is '*potentially*' affected or not. The boundary is therefore not defined by any credible evidence held by the Council.
35. Conversely, PHEM has worked in association with Anglian Water to establish that the Water Recycling Centre is not a constraint on development beyond the current allocation boundary and has made the Council aware of this in its representations. The evidence demonstrates that the boundary of the original draft allocation, and that currently promoted by PHEM is not constrained by the water recycling facility, and Anglian Water has confirmed this position.

Evidence on Odour

36. The evidence prepared by PHEM included an Odour Assessment in 2017 which identified that the Masterplan being prepared by PHEM, which is for the wider area than the current submission allocation and consistent with the Council's Draft Plan in 2017 allocation boundary, provided suitable buffering/landscaping to the water works, and that no residential property would fall within an area that would be subject to odour issues. This assessment was also reviewed by an independent odour consultant on behalf of Anglian Water which verified the findings.
37. Anglian Water confirmed in April 2017 by writing that the evidence presented by PHEM was acceptable and that the Masterplan was acceptable. A copy of the correspondence from Anglian Water confirming this is appended to this statement (**Appendix D**).

Conclusions

38. The Council's allocation boundary in the Submission Plan is not substantiated by evidence and artificially constrains the site based upon what it considers could '*potentially*' be affected, rather than an appropriate boundary based upon the evidence presented and that agreed with Anglian Water as acceptable.
39. On the basis of the above, the Council cannot justify the current boundary and its reduction in size from the previous plan extents.

Proposed Modification to make the allocation sound:

The boundary should be defined and justified by evidence, and as such should be modified on Inset Map 34 to return to the same extents as the previous Draft Plan.

o) Are the detailed policy requirements clear and unambiguous, effective, justified and consistent with national policy? Is it appropriate to defer within the policy to the 'principles established by consented schemes'?

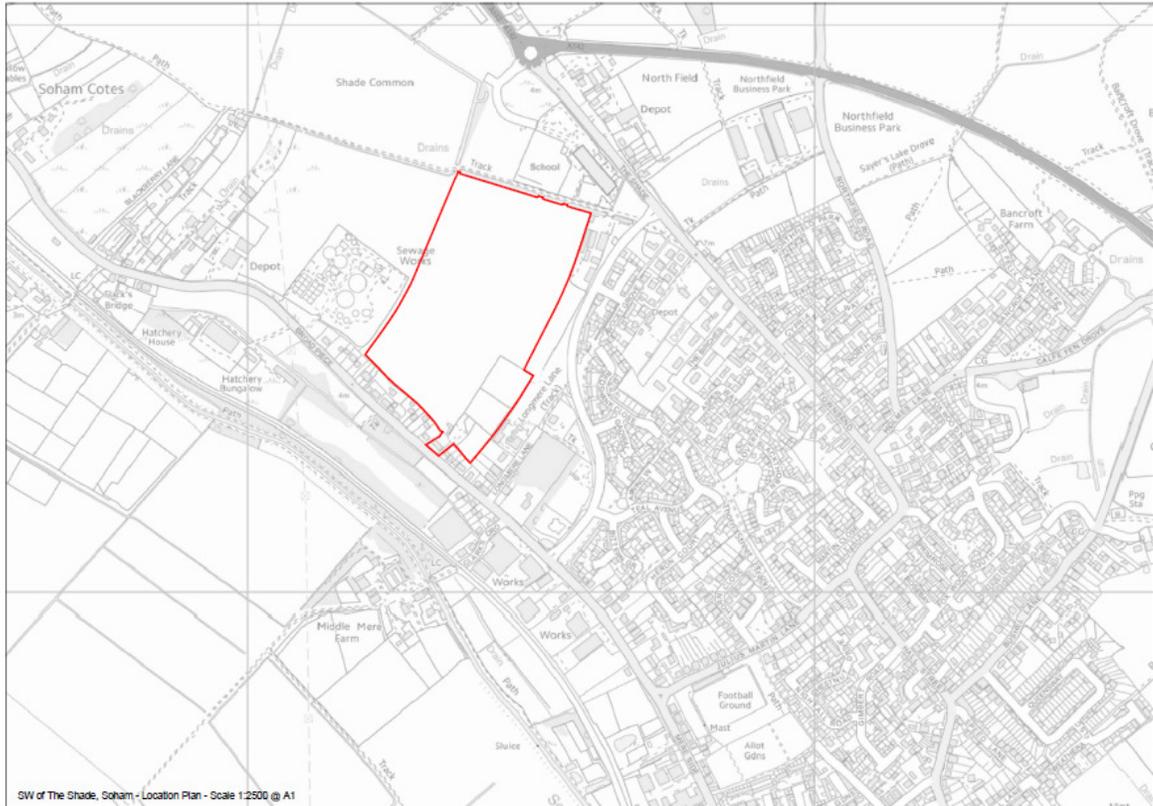
40. As set out above, PHEM support the general policy in principle, however, there are elements of the policy for SOH.H10 that are unsound as they are not justified.
41. PHEM has set out above the issues in respect of the access requirements from Kingfisher Drive and that this should be deleted. That matter is dealt with above and not repeated here.
42. The matter pertinent to this question though is that the Policy includes reference to '*maximum*' when setting out the capacity of the site is 100 dwellings. This is not justified and unsound.
43. The Council explains in policy SOH.H10 that this is '***to address the above matters*** [Odour references] ***and enable a low density scheme in this edge of settlement location***'.
44. Firstly, the Council sets out that this maximum figure is required to address buffering / landscaping and odour mitigation in association with working with Anglian Water. As set out above, the Council has not presented any evidence to demonstrate that the capacity of the site is restricted to 100 dwellings on the basis of odour issues. Conversely PHEM has demonstrated (with the agreement of Anglian Water) that the boundary of the site is such that it can accommodate up to 175 dwellings without odour impact, or impact on the operations of Anglian Water. Therefore the justification for the maximum figure on this measure alone fails.
45. Secondly, the Council sets out that the maximum figure is required to enable a low density scheme in this edge of settlement location. However, it provides no evidence justifying why this edge of settlement location should be low density development against any other location.
46. At no other place within the settlement Allocation Sites tables (including other settlements) within the Submission Plan is the term '*maximum*' used against an allocation. Land off Kingfisher Drive (SOH.H10) is the only site where a maximum figure is referenced. As such one would expect there to be:
 - specific evidence setting out why this site is so different to any other site that requires it to be singled out with this reference; and/or
 - if the site was so sensitive, it would be expected to have a site specific policy like the other allocations.
47. The Council has not set out any specific special importance to this settlement that its edges need lower density development than would normally be provided as part of a settlement edge development, nor why this particular location is so exceptional that it is the only allocation in the Plan that requires this specific mention. The NPPF requires Local Plans to make effective use of land (pages 36 and 37 refer), but no evidence is provided by the Council to justify why this site in particular should be the only peripheral settlement site (of which there are many in the plan) that is limited by a maximum capacity.

Conclusion

48. PHEM has presented a scheme that provides for up to 175 dwellings on the site which also includes appropriate buffering/landscaping to meet the requirements of Anglian Water, particularly in respect of ensuring no odour impact on residents, and conversely no impacts from residential development on Anglian Water's operations. The layout also provides for a scheme that reflects the settlement and its periphery in terms of density and sensitive edge.
49. The requirement for the maximum should therefore be deleted as it is not justified.

Proposed Modification to make the allocation sound: Reference to 'maximum' deleted from Policy SOH/H10

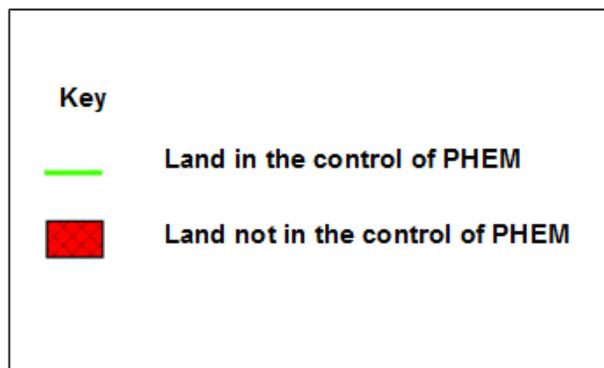
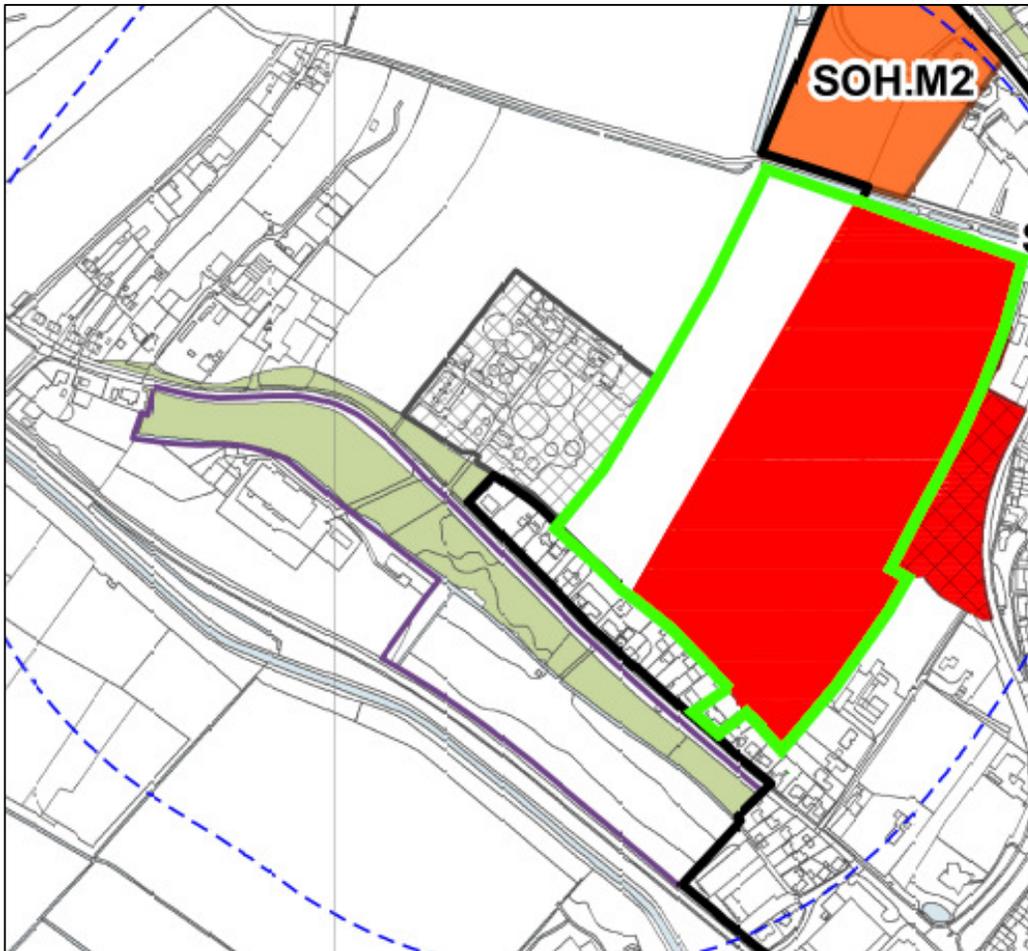
Appendix A – Extent of Site submitted for pre-application and proposed as a modification for the extent of the allocation



Appendix B – Draft Masterplan submitted for pre-application by PHEM



Appendix C – Land Control Plan



Appendix D – Correspondence with Anglian Water

From: Lyon Richard [mailto:rLyon@anglianwater.co.uk]
Sent: 10 April 2017 10:58
To: Sherif Hassan <Sherif.Hassan@createconsultingengineers.co.uk>
Cc: Wilson Hannah <hWilson4@anglianwater.co.uk>; Shafibeik Omid <Shafibeik@anglianwater.co.uk>
Subject: RE: Soham WwTWs - Odour Emissions Modelling Results

Hi Sherif

Apologies for the delay in responding to this.

We are happy with the analysis that you've carried out and our own evaluation of future odour potential from Soham WRC would tend to support your conclusion with regard to the predicted range at which odour nuisance is likely.

The amended masterplan shown in the figures you provided shows a reasonable alignment of the layout with the predicted $1.5 \text{ OU}_E/\text{m}^3$ exposure, as such we would consider this layout to be acceptable.

Regards

Richard Lyon

Senior Growth Planning Engineer

anglianwater

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From: Sherif Hassan [mailto:Sherif.Hassan@createconsultingengineers.co.uk]
Sent: 17 March 2017 16:43
To: Shafibeik Omid
Cc: Lyon Richard; Wilson Hannah
Subject: FW: Soham WwTWs - Odour Emissions Modelling Results

EXTERNAL MAIL

Dear Omid,

Can you please provide an update on this?

Kind regards

Sherif

Sherif Hassan (PhD MSc DIC BSc CEnv)
Associate - Air Quality

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From: Sherif Hassan

Sent: 10 February 2017 17:28

To: 'Shafibeik Omid' <oShafibeik@anglianwater.co.uk>

Cc: 'Matt Hare (Carter Jonas LLP (Cambridge))' <Matt.Hare@carterjonas.co.uk>;

'Alex Kenny (Persimmon Homes (East Midlands) Ltd (Peterborough))'

<alex.kenny@persimmonhomes.com>; 'Anne Dew (Persimmon Homes (East
Midlands) Ltd (Peterborough))' <anne.dew@persimmonhomes.com>;

'hWilson4@anglianwater.co.uk' <hWilson4@anglianwater.co.uk>; 'Lyon Richard'
<rLyon@anglianwater.co.uk>

Subject: Soham WwTWs - Odour Emissions Modelling Results

Dear Omid,

CERC have undertaken the audit of the odour emission modelling as requested by you during our last meeting (see the attached report). The report provides some comments on the modelling inputs. The main comment in their report relates to the use of surface roughness length. We used a value of 0.5m in our study, however, CERC suggested using a value of 0.3m at both modelled area and meteorological data site. I ran the model again using surface roughness value of 0.3m and results indicated that the 1.5 ouE/m³ moves closer to the development site and covers small parts of it (see page 1 of figures).

Project design team have responded to these updated results by reducing the number of residential units at the western edge of the development and amending the masterplan. These masterplan updates ensure that the development area lies entirely outside the 1.5 ouE/m³ contour line (see page 2 of figures).

Can you please review the attached information and let us know if you have any comments?

Kind Regards

Sherif

Sherif Hassan (PhD MSc DIC BSc CEnv)
Associate - Air Quality

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